

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

TAD and GINGER McGEER, husband and  
wife; RAVI VEDANAYAGAM and URSULA  
LUCKERT, husband and wife; and BEN F. and  
LELA M. BUSH, husband and wife,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, commonly  
known as THE BURLINGTON NORTHERN  
SANTA FE RAILWAY, a Delaware  
corporation doing business in the State of  
Washington ; and HARSCO CORPORATION,  
a Delaware corporation doing business in the  
State of Washington,

Defendant.

No. 3:09-cv-05330-BHS

ORDER ON PLAINTIFFS' MOTION TO  
CONTINUE TRIAL DATE AND JOINT  
REQUEST OF PARTIES TO AMEND  
SCHEDULING ORDER

Upon Plaintiffs' Motion To Continue Trial Date (Ct. Rec. 40) and the joint request of the  
parties to amend the scheduling order as set forth in Defendants' Response to Plaintiff's Motion  
(Ct. Rec. 42) IT IS ORDERED as follows:

1. Plaintiffs' Motion To Continue Trial Date is GRANTED.
2. A new trial date will be set at such time as the Washington Supreme Court has  
issued its ruling on the certification issues pending in the matter of Jongeward, et

1 al. v. BNSF Railway Company, Cause No. 2:09-cv-00010-RMP, United States  
2 District Court – Eastern District of Washington.

3 3. While the certification issue is pending in the Jongeward matter, discovery in the  
4 present case will continue according to the following schedule:

5 a. The depositions of all parties and fact witnesses will be completed  
6 by June 30, 2011;

7 b. Defendants shall disclose experts in accordance with FRCP 26 by  
8 August 31, 2011;

9 c. Rebuttal experts will be disclosed in accordance with FRCP 26 by  
10 October 14, 2011;

11 d. Discovery will be completed by October 31, 2011.

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13 4. All other deadlines contained in the Court's Order of September 8, 2010 (Ct. Rec.  
14 34), related to pretrial motions, settlement conferences, mediation, other pretrial  
15 submissions, the final pretrial conference and trial are vacated pending a new trial  
16 setting following resolution of the certification issues.

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18 IT IS SO ORDERED this 9<sup>th</sup> day of March 2011.

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23 BENJAMIN H. SETTLE  
24 US District Court Judge  
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